

**FILED**  
JAMES J WALDRON, CLERK

FORM 104 (10/06)

MAY 11 2010

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only) <b>US BANKRUPTCY COURT</b> NEWARK, NJ BY <u>[Signature]</u> DEPUTY		
<b>PLAINTIFFS</b> Susan C. Robichaud	<b>DEFENDANTS</b> Jason A. Sneider			
<b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.) Pro Se	<b>ATTORNEYS</b> (If Known) Dean Sutton, Esq. 18 Green Road, P.O. Box 187, Sparta, NJ 07871			
<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee <u>Listed as creditor</u>	<b>PARTY</b> (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Bankruptcy Fraud 11 U.S.C. §523(a)(2)				
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> <b>FRBP 7001(1) – Recovery of Money/Property</b>  <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property  <input type="checkbox"/> 12-Recovery of money/property - §547 preference  <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer  <input type="checkbox"/> 14-Recovery of money/property - other   <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b>  <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property   <b>FRBP 7001(3) – Approval of Sale of Property</b>  <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)   <b>FRBP 7001(4) – Objection/Revocation of Discharge</b>  <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)   <b>FRBP 7001(5) – Revocation of Confirmation</b>  <input type="checkbox"/> 51-Revocation of confirmation   <b>FRBP 7001(6) – Dischargeability</b>  <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims  <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud  <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny  <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> <b>FRBP 7001(6) – Dischargeability (continued)</b>  <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support  <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury  <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan  <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce/sep property settlement/decreed  <input type="checkbox"/> 65-Dischargeability - other   <b>FRBP 7001(7) – Injunctive Relief</b>  <input type="checkbox"/> 71-Injunctive relief – reinstatement of stay  <input type="checkbox"/> 72-Injunctive relief – other   <b>FRBP 7001(8) Subordination of Claim or Interest</b>  <input type="checkbox"/> 81-Subordination of claim or interest   <b>FRBP 7001(9) Declaratory Judgment</b>  <input type="checkbox"/> 91-Declaratory judgment   <b>FRBP 7001(10) Determination of Removed Action</b>  <input type="checkbox"/> 01-Determination of removed claim or cause   <b>Other</b>  <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa et seq.  <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)           </td> </tr> </table>			<b>FRBP 7001(1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	<b>FRBP 7001(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce/sep property settlement/decreed <input type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(7) – Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief – reinstatement of stay <input type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(9) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(10) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa et seq. <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23		
<input checked="" type="checkbox"/> Check if a jury trial is demanded in complaint		Demand <u>          </u>		
Other Relief Sought				

**FORM 104 (10/06), Page 2**

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Jason A. Sneider		BANKRUPTCY CASE NO. 10-13785-DHS
DISTRICT IN WHICH CASE IS PENDING New Jersey	DIVISIONAL OFFICE	NAME OF JUDGE D. H. Steckroth
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE Ferguson
SIGNATURE OF ATTORNEY (OR PLAINTIFF) <i>Susan C. Robichaud, Plaintiff, Pro Se</i>		
DATE May 9, 2010	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Susan C. Robichaud	

**INSTRUCTIONS**

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Parties.** Give the names of the parties to the adversary proceeding exactly as they appear on the complaint. Give the names and addresses of the attorneys if known.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not presented by an attorney, the plaintiff must sign.

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY

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In Re: (Hon. Donald H. Steckroth)

JASON A. SNEIDER Chapter 13

Debtors. Case No. 10-13785-DHS

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SUSAN ROBICHAUD

Plaintiff,

Adv. Pro. No.

v.

SNEIDER & SONS EXCAVATING, LLC;  
WANTAGE BARN AND FENCE CO LLC;  
HARDSCAPE CONSTRUCTION &  
LANDSCAPEDESIGN, CO.;  
JASON SNEIDER, INDIVIDUALLY

Defendants.

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COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT PURSUANT TO  
11 U.S.C. § 523(a)(2)

Plaintiff, Susan Robichaud by way of Complaint against the defendant

Jason A. Sneider states as follows:

**JURISDICTION**

1. This Court has jurisdiction over the within action pursuant to 28 U.S.C. §§ 1334(b) and 157(a).
2. This Complaint is within the Bankruptcy Court's core jurisdiction pursuant to 28 U.S.C. § 157(b)(2)(A),(B), and (I).
3. Plaintiff is entitled to bring this action pursuant to Rule 4007 of the Federal Rules of Bankruptcy Procedure.
4. Venue is proper in this Court pursuant to 28 U.S.C. §1409 (a).

**PARTIES**

5. Plaintiff, Susan Robichaud, is President of Robichaud Equestrian Retreats, LLC ("RER"), a limited liability company existing under the laws of the state of New Jersey, with a principal place of business at 12 Grafton Road, Stockton, New Jersey 08559.
6. Plaintiff resides at 12 Grafton Road, Stockton, New Jersey 08559.
7. Defendant, Jason A. Sneider, the Debtor herein, is an individual who represented to the Plaintiff to be an expert in pool installations and renovations, barn building, landscaping and hardscaping.
8. Defendant, Jason A. Sneider ("Sneider") is, on information and belief, president of Sneider & Sons Excavating, LLC; Wantage Barn & Fence Co., LLC; and Hardscape Construction & Landscape Design Co.
9. Defendant resides at 127 Sally Harden Road, Wantage, New Jersey 07461 with a mailing address of 127 Sally Harden Road, Sussex, New Jersey.

**NATURE OF THE ACTION**

10. This is an Adversary Proceeding in which the Plaintiff seeks a determination that Debtor's/Defendant's obligations to Plaintiff are not dischargeable pursuant to 11 U.S.C. § 523(a)(2).

**FACTS**

A. **The Contract**

11. On or about July 11, 2008, the Plaintiff, entered into a contract on behalf of RER with Defendant's business, Sneider & Sons, for the partial demolition and full renovation of an existing in-ground pool located at 12 Grafton Road, Stockton, New Jersey.

12. The contract was entered into at 12 Grafton Road, Stockton, New Jersey.

13. The agreed price for these services was \$16,900.00. A true and accurate copy of the contract is attached hereto as Exhibit A.

B. **Payment of the Deposit**

14. Upon execution of the contract, Plaintiff paid \$5,634.00 (five thousand six hundred thirty four dollars) to the Defendant as a deposit. A true and accurate copy of the check evidencing this payment is attached hereto as Exhibit B.

15. This check was deposited into Sneider & Sons bank account on July 14, 2008.

C. **False Representations Regarding Start Dates**

16. In the years 2008 and 2009 numerous start dates were set and work did not commence.

D. Request for and Failure to Return Deposit

17. Plaintiff made numerous requests for the return of the deposit in the years in 2008 and 2009, verbally, via regular and certified mail.

18. Despite these repeated attempts Defendant refused to return the deposit, and eventually ended all forms of communication.

E. Consumer Fraud Judgement against Sneider & Sons in Superior Court of New Jersey

19. On January 25, 2010 a Summons was mailed to Sneider & Sons for Case DC-000114-10 [Robichaud Equestrian Retreats, LLC v. Sneider & Sons, LLC].

20. On April 26, 2010 in the Superior Court of New Jersey Law Division – Special Civil Part, Judge Peter A. Buchsbaum, J.S.C. conducted a Proof Hearing and awarded RER treble damages capped at \$15,000 based on testimony that Sneider & Sons, LLC violated the Consumer Fraud Act. Court costs and attorney's fees were also awarded.

F. Bankruptcy for Defendant

21. Defendant filed for personal Bankruptcy on August 5, 2009 and listed Plaintiff as a creditor in an attempt to expunge a legitimate \$5,634 claim that Plaintiff's business, RER, had against Debtor's business, Sneider & Sons.

22. Upon information and belief, Defendant and/or his businesses have filed for Bankruptcy four times since 2003 to this current proceeding.

G. Misleading and Inaccurate Representations in Bankruptcy Proceedings

23. Defendant lists Plaintiff as creditor in his bankruptcy proceedings, which is improper, as Defendant and Plaintiff do not have any financial arrangements between themselves.

24. The only financial and contractual arrangements are between Defendant's business Sneider & Sons and Plaintiff's business RER.

25. Upon information and belief the Defendant is using personal Bankruptcy proceeding to discharge business debts.

H. Commingling of Personal and Business finances reported in Bankruptcy suggesting Fraud (pleading in the alternative)

26. Upon information and belief the Defendant has intermingled and intertwined his business affairs with his personal affairs in an attempt to defraud those with whom Defendant conducts business.

27. Defendant's other business obligations (see Ron Harris and Renee Harris v. Sneider & Sons Excavating, LLC; Wantage Barn & Fence Co., LLC; and Hardscape Construction & Landscape Design Co. Adversary Proceeding) have been listed in his personal affairs and personal bankruptcy.

28. The Chapter 13 Plan and Motions for the Defendant list heavy construction equipment and six vehicles (four pick-up trucks) more commonly associated with businesses such as Sneider & Sons Excavating, LLC; Wantage Barn & Fence Co., LLC; and Hardscape Construction & Landscape Design Co.

29. Upon information and belief, the John Deere Credit and Western Finance & Lease equipment listed in Defendant's Bankruptcy are more commonly associated with business operations.

30. Upon information and belief, the Defendant and Wantage Barn & Fence Co., LLC are listed together on a loan agreement with John Deere Credit.

**COUNT ONE**

31. Plaintiff repeats each and every preceding allegation as if fully set forth herein.

32. Defendant's obligations to the Plaintiff are non-dischargeable pursuant to 11 U.S.C. § 523(a)(2) as the Defendant did not enter into a contract with Plaintiff; therefore there was no contractual relationship between Debtor and Creditor.

33. The debt of \$5,634.00 was owed by Defendant's business, Sneider & Sons, to Plaintiff's business RER.

**COUNT TWO**

34. Plaintiff repeats each and every preceding allegation as if fully set forth herein.

35. In the alternative, Defendant's obligations to the Plaintiff are non-dischargeable pursuant to 11 U.S.C. § 523(a)(2) as the Defendant has commingled his personal and business activities and blurred the distinction between the two.

**COUNT THREE**

36. Plaintiff repeats each and every preceding allegation as if fully set forth herein.

37. Defendant's obligations to the Plaintiff are non-dischargeable pursuant to 11 U.S.C. § 523(a)(2) as the Defendant and his various business took money from the Plaintiff's business based on false pretenses, false representations and actual fraud.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant for the following:



- a. Determining all obligations owed by the Defendant to the Plaintiff herein are non-dischargeable pursuant to 11 U.S.C. § 523(a)(2);
- b. determining that the Defendant's Bankruptcy petition should not be considered in isolation from the sum of Defendant's various business operations; and
- c. such other relief the Court deems equitable and fair.

By: Susan C. Robichaud  
Susan C. Robichaud, *pro se*

Needs to document model of filter, pump, motor size  
cost of plastering also electric needs  
for filter & pump

PNC

ROBICHAUD EQUESTRIAN RETREATS LLC  
12 GRAFTON RD. 609-397 2113  
STOCKTON, NJ 08559

PNC Bank, N.A. 082  
New Jersey

1192  
55-760/3312  
601

Date 7/11/08  
\$5634.00  
DOLLARS

PAY TO THE ORDER OF Sneider & Sons

Five thousand six hundred thirty four and 00/100

YEAR-ROUND, WEEKEND AND HOLIDAY RENTAL:

Memo #62508 EST

⑆03⑆207607⑆ 8029164728⑈ 1192

*St Robichaud*

65 Park Ave  
Flemington  
35 miles  
65 Madison Ave  
Morristown, NJ

07/14/2008 LAKELAND BANK ⑆021205376⑆ 065401002010

PAY TO THE ORDER OF  
LAKELAND BANK  
⑆021205376⑆  
FOR DEPOSIT ONLY  
634403273

806-  
7024-  
1379

Placed 287

202 South  
W  
Albana -  
Morristown, N  
65 Madison  
Ave.  
09960  
993-534-4193